IN RE: PETITION FOR FORING VARIANCE E/S Pikesvil. Road, 270' SE DEPUTY ZONING CONNISSIONER of the c/l of Mt. Wilson Lane (BB25 Pikesville Poad) OF BALTIMORE COUNTY 3rd Election District Case No. 94-168-A Rebert H. Brooks FINDINGS OF FACT AND CONCLUSIONS OF LAW The Petitioner herein requests a variance to permit a front yard setback of 12 feet in lieu of the required 30 feet for proposed Lot 1; an accessory structure on proposed Lot 1 to be larger than the principal dwelling; to permit an existing shed on Lot 1 to extend into the side yard

and on proposed Lot 2; and to allow two existing accessory structures (dog run and swimming pool) to be located in the side yard on Lot 2, all in lies of the required rear yard placement; a front yard setback of 16 feet in lieu of the required average of 40 feet for proposed Lot 2; a mide yard setback of 5 feet in lieu of the required 10 feet for proposed Lot 2; and a rear yard setback of 1 foot in lieu of the required 30 feet for proposed Lot 2 for a proposed lot subdivision, all as more particularly described in Petitioner's Exhibit 1. The Petitioner appeared and testified. Also appearing on behalf

the Pctition were Emmett Brooks, Petitioner's father, and Thomas Hoffman, Jr., Surveyor. Appearing as interested parties were Jerome H. adden, Executive Director of Ner Israel Rabbinical College; Bessie Tyler, Marie L. Townsend and L. Townsend. There were no Protestants.

Testimony indicated that the subject property, known as 8825 Pikesville Road, consists of 0.935 acres zoned D.R. 3.5, is composed of ts, known as Lots 3 and 4 of Pikesville Farms. Hr. Brooks testified

he purchased the subject property in 1979 at which time, Lot 3 was improved with two single family dwellings and numerous accussory structures. Testimony indicated that Petitioner obtained a building permit in February 1981 to onstruct a new storage shed to replace an existing structure in the rear of Lot 3. On April 5, 1963, letitioner obtained another building permit for purposes of constructing a one orr garage addition on the rear of the existing dwelling on Lot 3. On October 22, 1985, Petitioner obtained a building permit to erect a 6-foot high wood stockade fence on the rear of the site for purposes of screening the residential properties from the commercial property to the rear of the subject site.

Testimony indicated said property was the subject matter of a previous zoning hearing held on October 15, 1986 in Case No. 87-161-A in which Mr. Brooks was granted a variance for a swimming pool in the side yard of Lot 3 and a shed in the side yard of Lot 4, subject to restrictions. The relief requested herein regarding the pool and shed is therefore duplicate and unnecessary. The only difference in the improvements to the property from the hearing in Case No. 87-161-A is the addition of the 19' x 35' storage shed on Lot 1.

Subsequently, in September, 1987, Petitioner requested a building permit to construct a 16' x 35' storage building on the north side of the property abutting the side property line. Petitioner instead built the 19' x 35' building depicted on Petitioner's Exhibit 1. Petitioner now proposes to resubdivide the property in accordance with the lot lines depicted in Petitioner's Exhibit 1. Mr. Brooks testified he originally planned to sell proposed Lot 1 to his father. At the time of the hearing, he indicated the plans had changed and that he now is selling proposed Lot 2 to his sister and is retaining proposed Lot 1 as a rental property.

landscape the rear and side property lines in a manner

deemed appropriate by the Baltimore County Landscape

Planner to insure that there is no access between the

contractor's yard to the rear of the subject site,

owned by Petitioner and/or his parents, and the sub-

ject property. A landscape plan incorporating the

submitted to the Landscape Planner for approval within

thirty (30) days of the date of this Order. A copy of

the approved plan shall be submitted to the Zoning

5) Upon request and reasonable notice, Petitioner or

any subsequent property owner shall permit a represen-

tative of the Zoning Enforcement Division to make an

inspection of the subject property and the interior of

all buildings to insure no part of the property is

being used for commercial purposes and to insure com-

6) When applying for a building permit, the site

plan and landscaping plan filed must reference this

case and set forth and address the restrictions of

pliance with this Order.

Commissioner's Office for inclusion in the case file.

requirements of this restriction shall be prepared and

proposed Lot 1 presently contains a two and one half story stucco dwelling Lot 2 contains a two story grame dwelling with attached one story garage, advised by the Deputy Zoning Commissioner that such use of the residential-

Mr. Brooks maintained that the granting of the variances will not result in any detriment to the public health, safety or general welfare

peared as interested parties in the matter were given an opportunity to

December 15, 1989

Very truly yours,

A review of Petitioner's Exhibit 1 reveals that the north side of with a two story addition and one story addition added to the rear of the building, a one story garage, of approximately 12° x 23°, with an adjoining one story storage shed, of approximately 14' x 42', and a one story block storage shed, approximately 19' π 35', adjacent to the aforementioned storage shed and garage, while the south side of the property contains mother one story block storage shed, approximately 23' x 15'. Proposed the swimming pool and dog shed with pen. Testimony presented by Petitioner indicated that he works with his father, an electrical contractor who operates a business from property to the rear of the subject site on B.R. zoned land. Mr. Brooks testified that he uses the storage sheds to the rear of proposed Lot 1 for commercial storage in connection with his father's electrical contractor's business. Petitioner was subsequently ly zoned property for commercial storage was in violation of the zoning regulations and must therefore cease immediately. Mr. Brooks agreed to cease the improper use of the sheds but requested a period of time in

and that to deny the relief requested would unreasonably prevent the subdi-O is wision of the property for residential purposes. Subsequent to Petitioner's testimony, the individuals who ap-

Zoning Commissioner
Office of Planning & Zoning

Mr. Robert H. Brooks

8825 Pikesville Road Baltimore, Maryland 21208

RE: PETITION FOR ZONING VARIANCE

(8825 Pikesville Road)

Case No. 90-168-A

People's Counsel

File

Robert H. Brooks - Petitioner

in accordance with the attached Order.

(301) 887-3353

J. Robert Haines
Zoning Commissioner

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Kd. App. 28 It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted. THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for O C Baltimore County this 15 day of December, 1989 that the Petition for Zoning Variance to allow two existing accessory structures (dog run and swimming pool) to be located in the side yard on Lot 2 in lieu of the

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 303.1 To allow on proposed lot 2 m front setback of 16' in lieu of the required 40' front average; 10! To allow an accessory structure on proposed lot lie required 40° front average; 101 To allow an accessory structure on proposed lot lie be larger than the principal dwelling; ACO.1 On proposed lot to allow 2 existing existing shed to extend into the side yard 4 on proposed lot 2 to allow 2 existing accessory structures idog run 4 pool) to be located in the side ward all in lieu of the required rear yard; 1802.3.C.1 To allow proposed lot 1 a front setback of 121 in lieu of the required 301, to allow proposed lot 2 a side yard setback of of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the (CVER) following reasons: (Indicate hardship or practical difficulty) PRACTICAL DIFFICULTY:

respond to the testimony presented. Mr. Kadden, Ms. Tyler, Ms. Townsend

and Mr. Townsend indicated they had no objections to Petitioner's request.

zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Nd. 208 (1973). To prove practical

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

2) whether the grant would do substantial injustice

to applicant as well as other property owners in the district or whether a lesser relaxation than that

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and

applied for would give substantial relief; and

public safety and welfare secured.

difficulty for an area variance, the Patitioner must meet the following:

An area variance may be granted where strict application of the

1) STRICT COMPLIANCE WITH REQUIREMENT WOULD UNREASONABLY PREVENT THE SUBDIVISION OF THE PROPERTY FOR THE PERMITTED RESIDENTIAL (2) RELIEF CAN BE GRANTED IN SUCH A WAY THAT PUBLIC SAFETY AND WELFARE WOULD REMAIN WITHCT.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this pelition, and further agree to and are to be bound by the soming regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property NW F which is the subject of this Petition. Legal Owner(s): The 12 Buch 10 3' THOMAS HOFFMAN JR. ** JA . * * CORFAT H. BACOKS 5502 STOUMSTON AVE (Type or Print Name)

ESTIMATED LENGTH OF HEARING -1/2HR. (+1HR. AVAILABLE FOR HEARING HOS, CIUES. WED. - NEXT THO MONTES REVIEWED BY: CAM DATE 25 July 89

Attorney for Petitioner: (Type or Print Name) City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted ORDERED By The Zoning Commissioner of Baltimore County, this ______day

E/S Pikesville Road, 270' SE of the c/l of Mt. Wilson Road Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

/ MNs farm ANN M. MASTAROWICZ Deputy Zoning Commissioner for Baltimore County cc: Mr. Jerome H. Wadden
Executive Director, Ner Israel Rabbinical College
400 Mt. Wilson Lane, Baltimore, Md. 21208 Ms. Bessie Tyler 8829 Pikesville Road, Baltimore, Md. 21208 Hs. Marie L. and L. Townsend 8824 Pikesville Road, Baltimore, Md. 21208

3rd Election District - 3rd Councilmanic District

required rear yard placement, be and is hereby DISMISSED as the relief requested was previously granted in Case No. 81-161-A; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit a front yard setback of 12 feet in lieu of the required 30 feet for proposed Lot 1; an accessory structure on proposed Lot 1 to be larger than the principal dwelling; an existing shed on Lot 1 to extend into the side yard and on proposed Lot 2; a front yard setback of 16 feet in lieu of the required average of 40 feet for proposed Lot 2; a side yard setback of 5 feet in lieu of the required 10 feet for proposed Lot 2; and a rear yard setback of 1 foot in lieu of the required 30 feet for proposed Lot 2 for a proposed lot subdivision, all in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition. The variances granted herein are contingent upon there being no additional accessory structures placed on the subject property. Further, the variance granted herein for a resubdivision of the property, as

depicted in Petitioner's Exhibit 1, is limited to Petitioner for residential purposes only. Petitioner is prohibited from using the subject property for commercial purposes. Accordingly, all existing commercial storage must be removed from the subject property within thirty (30) days of the date of this Order. Failure to comply with this restriction will result in Petitioners losing the variances granted herein for the accessory structures and the required removal of all accessory structures in violation of the zoning regulations.

4) The stockade fence to the rear of the subject property shall be moved and placed along the rear property line. Further, Petitioner shall fence and/or

- 5-

ANN:bis

a M No terening

Deputy Zoning Commissioner

ANN M. NASTAROWICZ

for Baltimore County

727

Tracking System Finere County Zaning Commissioner Uffice of Planning & Zoning Date Receipt FEE Number TYPE identification Number 0 iii Zip Code 25078606835501 - 003	ZONING DESCRIPTION LOT 1 "RESUGDIVISION OF LOTS 3: 4 PIKESVILLE FARMS" ROBERT H. BROOKS PROPER BEGINNING on the northeast side of Ake proposed 50 feet wide right-of-way, at a
Property Address: 8625 PIKESVILLE KAND BALTIMORE COUNTY, MARYLAND P OFFICE OF FINANCE - REVENUE DIVISION 1. MISCELLANEOUS CASH RECEIPT BATE 25 (A) COUNTY AMOUNT 1000 PROBLEM POR A COUNTY ANOUNT 1000 PROBLEM POR A COUNTY ANOUNT 1000 PROBLEM POR A COUNTY BALTIMORE COUNTY, MARYLAND P (Street) AMOUNT 1000 AMOUNT 1000 PROBLEM POR A COUNTY ANOUNT 1000 PROBLEM POR A COUNTY BALTIMORE COUNTY, MARYLAND P AMOUNT 1000 AMOUNT 1000 PROBLEM POR A COUNTY BALTIMORE COUNTY, MARYLAND P AMOUNT 1000 AMOUNT 1000 PROBLEM P PROBLEM P AMOUNT 1000 AMOUNT 1000 AMOUNT 1000 AMOUNT 1000 PROBLEM P AMOUNT 1000 AMOUNT 1000 P BALTIMORE COUNTY MARYLAND P AMOUNT 1000 AMOUNT 1000 AMOUNT 1000 P BALTIMORE COUNTY MARYLAND P AMOUNT 1000 AMOUNT 1000 AMOUNT 1000 AMOUNT 1000 AMOUNT 1000 AMOUNT 1000 P BALTIMORE COUNTY MARYLAND P AMOUNT 1000 AMOUNT 1000	proposed 50 tell wive ignicial from the centerline of lane, thence binding on Pikesville Road (1) South 32°27'00" East 20.00 feet, thence (2) North 57°33'00" East 130.14 feet, thence (3) South 35°08'20" East 130.14 feet, thence (4) South 57°33'00" East 50.00 feet, thence (5) South 32°27'00" East 50.00 feet, thence (6) North 57°33'00" East 208.28 feet, thence (7) North 35°08'20" West 200.28 feat, thence (8) South 57°33'00" West 198.88 feet to the beginning.

CERTIFICATE OF POSTING

Location of property ES Piheaville Road, 270 from the C/l of

Petitioner: Poliet H Brooks

NOTICE OF HEARING

Case number: 90-168-A
ES Paseville Road, 270' from
of of MT. Wiscr-Lane
8625 Paseville Road
3rd Election District
3rd Councilments

of 16 test in 600 or investigation are ac-less from average; to allow an ac-cessing structure on Proposed Lot #1 to be larger than the pro-cipal dwelling; on Proposed Lot #1, to allow easing their to di-turn into the ride year and on tend into the ride year and on

est and a rear yard selback of pot in how of the required 10 feet

spend pure.) The Zorung Com-missioner will, heavenly, secured my request for 6 stay of the in-

ZONING DEPARTMENT OF BALTIMORE COUNTY 90-168-1

Date of Posting 16-26-89

Int Wilson Jane [8825 Piheaville Road) Location of Signe Un front of 88 25 Peterrille Road

CERTIFICATE OF PUBLICATION

Oct. 20 , 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of __!__successive weeks, the first publication appearing on Oct. 19, 1989.

THE JEFFERSONIAN,

PO 17311 149, M34251 v 90-168-4 Drie \$ 59.10

ZONING DESCRIPTION LOT 1

#28

"RESUBDIVISION OF LOTS 3:4 PIKESVILLE FARMS" ROBERT H. BROOKS PROPERTY

BEGINNING on the northeast side of Akesville Road, proposed 50 feet wide right-of-way, at a distance of 270 feet southeast of the centerline of Mt. Wilson Lane, thence binding on Pikesville Road 1) South 32°27'00' East 20.00 feet, thence @ North 57° 33'00" East 92.70 feet, thence

1 South 57.33'00" West 98.81 feet, thence 3 South 32°27'00" East 50.00 feet, thence @ North 57° 33'00" East 208.28 feet, thence 1 North 35.08'20" West 200.28 feat, thence

Baltimore County

(301) 887-3353 J. Robert Haines

Robert H. Brooks

8825 Pikesville Road

Baltimore, Maryland 21228

Petition for Zoning Variance

Baltimore County

14/13/179

Zoning Commissioner

County Office Building

TUBLE HEARING YELS

LIGHT TRANS OF USHER: BROUKS

B 111*****126301a =15.F

ES Pikesville Road, 270' from c/l of MT. Wilson Lane

HEARING: TUESDAY, NOVEMBER 14, 1989 at 2:00 p.m.

Please be auvisor property.

Please be advised that \$ 120.10 is due for advertising and posting of

3rd Election District - 3rd Councilmanic

Petitioner(s): Robert H. Brooks

CASE NUMBER: 90-168-A

8825 Pikesville Road

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

® South 57.33'00" West 198.88 feet to the place of beginning.

ZONING DESCRIPTION "RESUBDIVISION OF LOTS 3:4

PIKESVILLE FARMS" ROBERT H. BROOKS PROPERTY

BEGINNING on the northeast side of Pikesville Road, proposed 50 feet wide right-of-way, at a distance of 290 feet southeast of the centerline of Mt. Wilson Lane, thence binding on Pikesville Road 1) South 32°27'00° East 130.00 feet, thence 98.81 feet, thence @ North 57°33'00" East orth 35°08'20" West 130.14 feet; thence South 57°33'00" West 92.70 feet to the place of

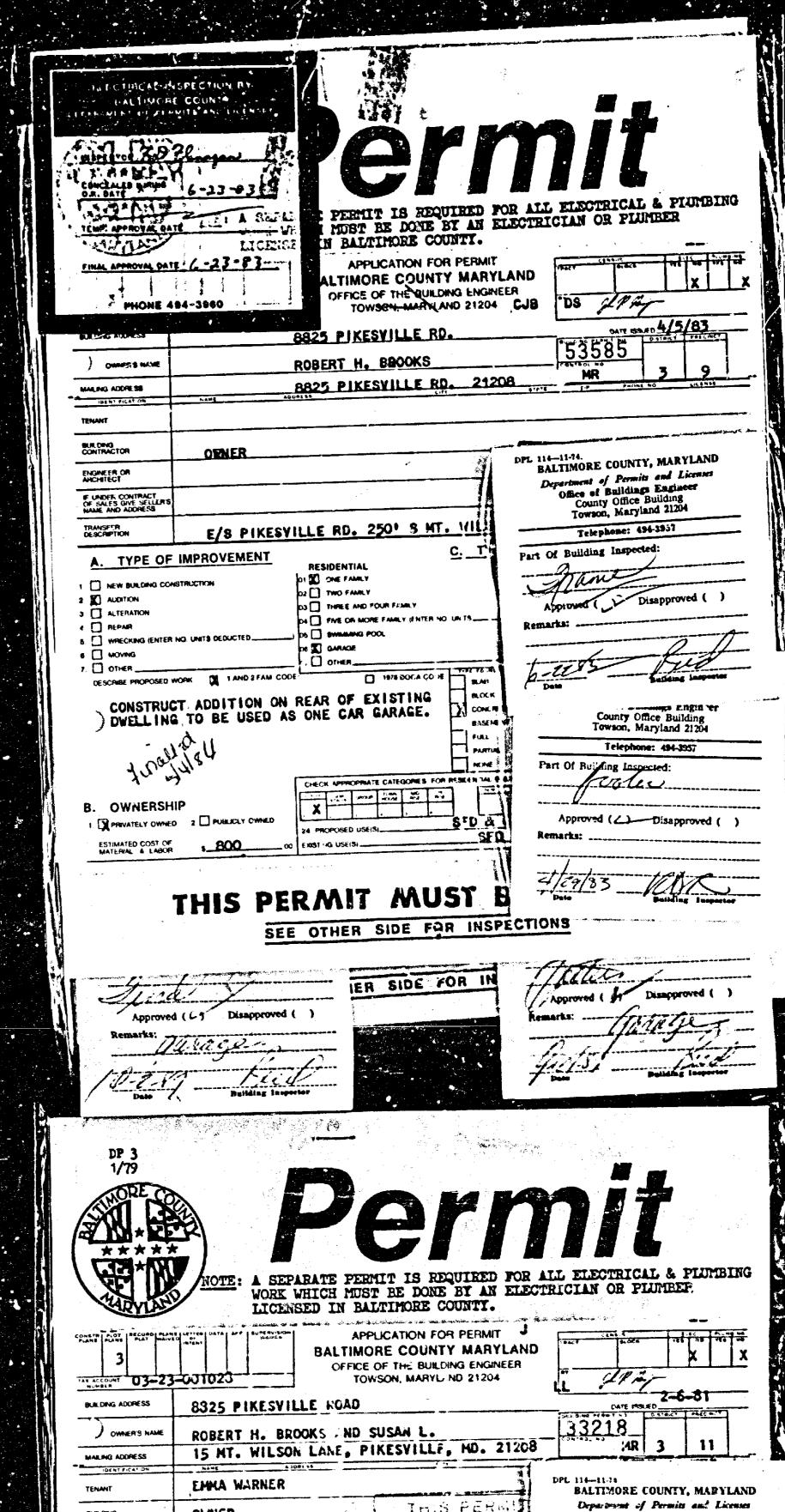
beginning.

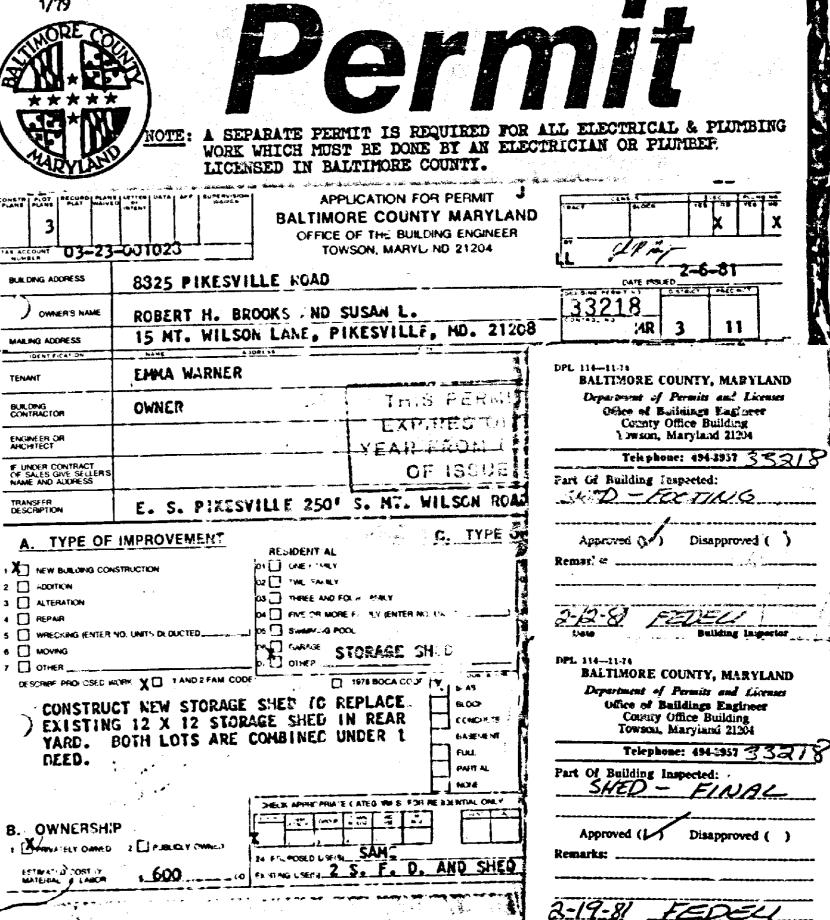
WILSON LANE • BALTIMORE, MARYLAND 21208 MAY 3 1990 ZONING OFFICE Deputy Zoning Commissioner for Baltimore County Office of Planning & Zoning Towson, Maryland 21204 Re: Petition for Zoning Variance

E/S Pikesville Road, 270° SE of the c/o of Mt. Wilson Road

(8825 Pikesville Road)

3rd Election District = 3rd Councilmanic District Robert H. Brooks - Petitioner Case No. 90-168-A Ner Israel Rabbinical College is located on 75 acres on Mt. Wilson Lane. We have a student body of 550 most of whom are resident students. In addition, our faculty and staff live on the campus as well. Mr. Emmett H. Brooks has an electrical contracting business at 15 Mr. Emmett H. Drooks has an electrical contracting business at 13 Mt. Wilson Lane for many years. They maintain the business in a responsible fashion and have been good neighbors. The fact that Mr. Brooks as well as his children are and have been good neighbors. The fact that Mr. brooks as well as his children at homeowners on Mt. Wilson Lane and immediately adjacent to Mt. Wilson Lane means that they have a vested interest in the welfare and well-being of the neighborhood We feel that the above-mentioned petition for zoning variance is a reasonable request to allow the Brooks family to continue their business. We would support their petition and hope that the commission will see its way clear to grant said variance. ry truly yours,



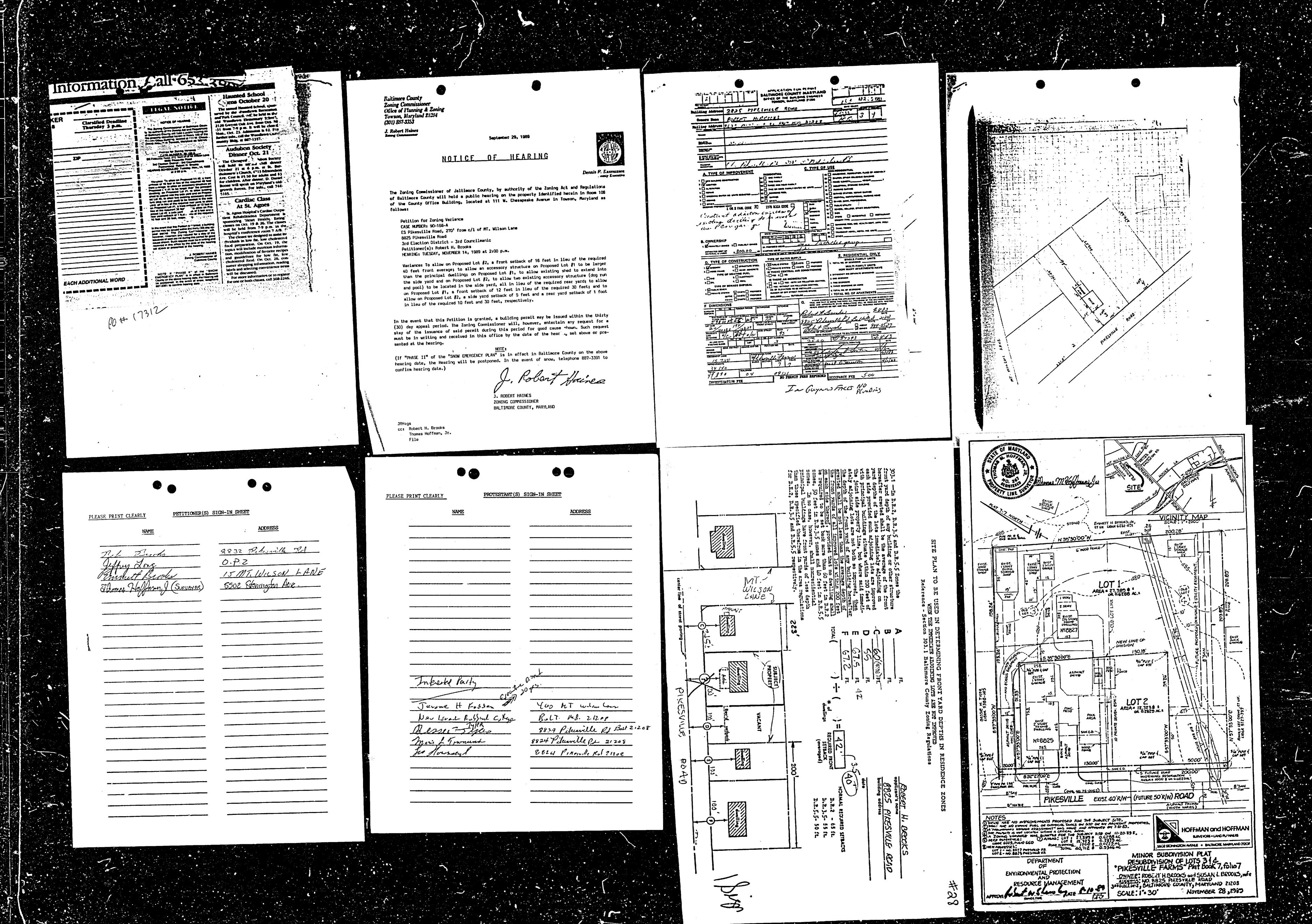


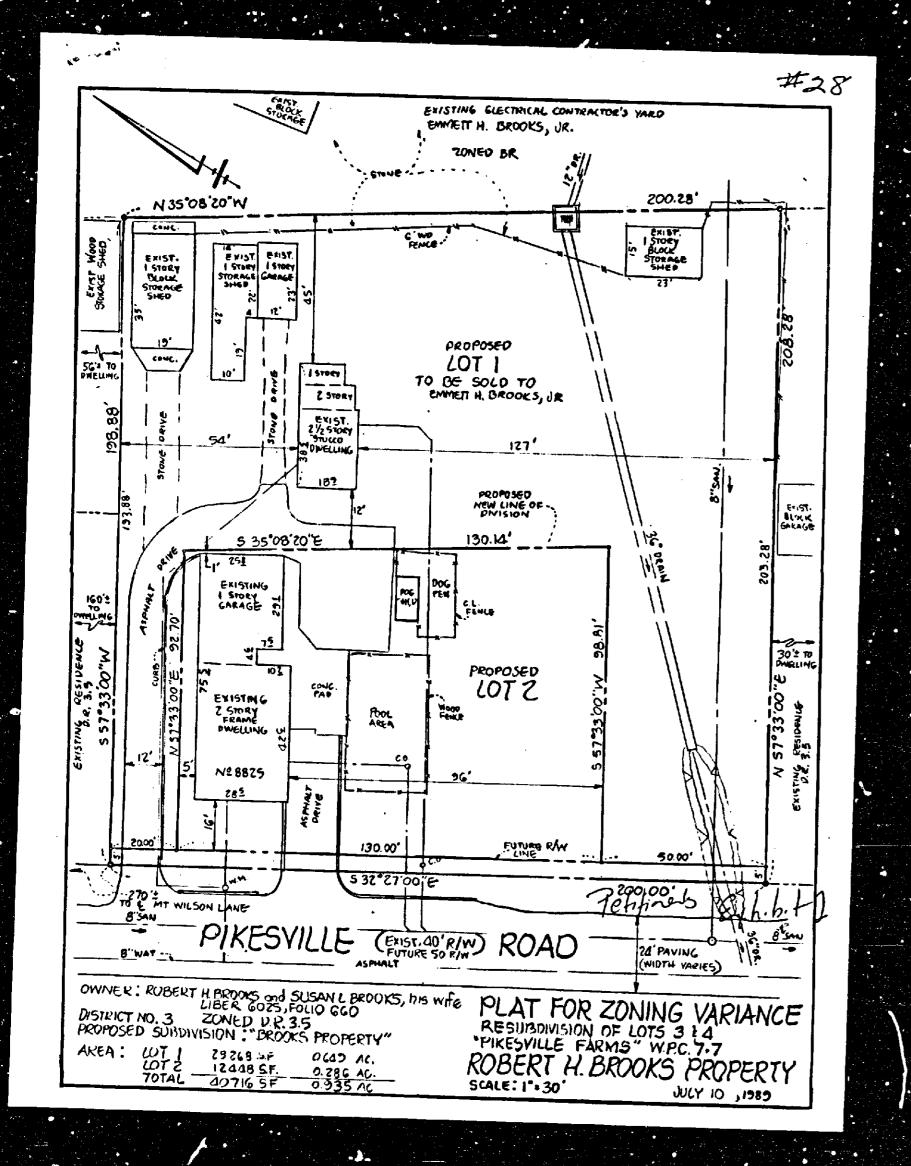
THIS PERMIT MUST BE

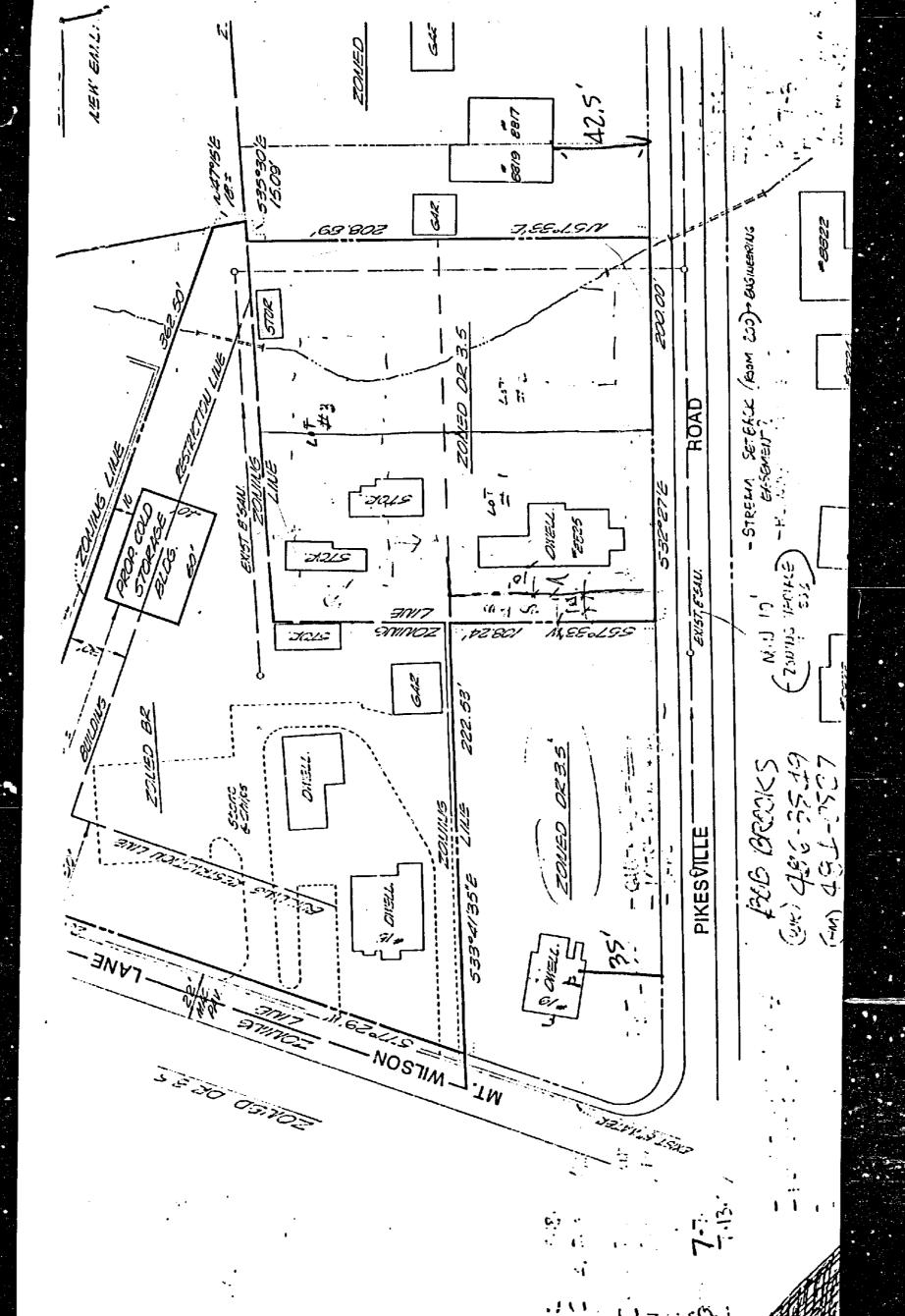
SEE OTHER SIDE FOR INSPECTIONS

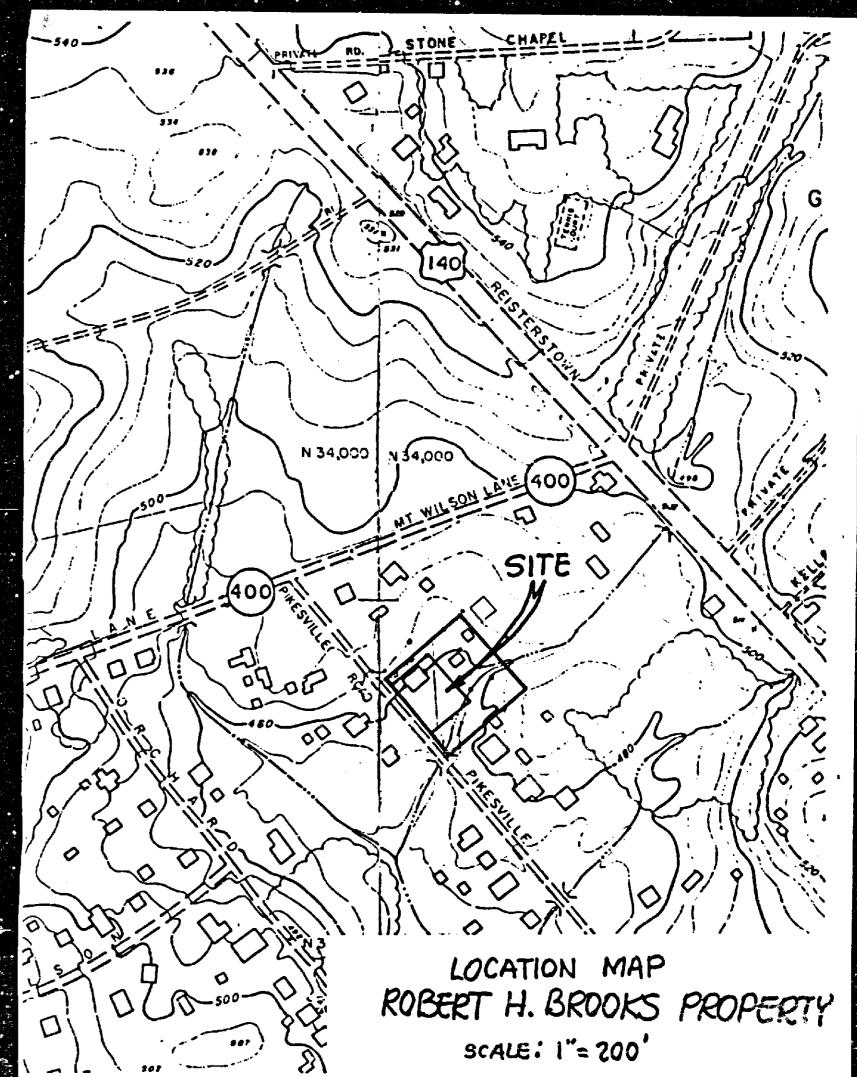
15,000070

Dennis F. Rasmussen









BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE SLDG. 111 W. Cheespeake Ave. Towson, Meryland 3 204

HENSERS Bures of Engineering Department of Traffix Engineering

State Roads Commission Bureau of Fire Prevention Health Department

Project Planning Building Department

Roard of Education Zoning Administration Industrial Development

Mr. Robert H. Brooks

8825 Pikesville Road Baltimore, ND 21203

RE: Item No. 28, Case No. 90-168-A Petitioner: Robert H. Brooks Petition for Zoning Variance

October 31, 1989

Dear Mr. Brooks:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Thomas Hoffman, Jr. 5502 Stonington Avenue Baltimore, MD 21207

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines



Your petition has been received and accepted for filing this 19th day of August, 1989.

ZONING COMMISSIONER

Received By:

Petitioner: Robert H. Brooks Petitioner's Attorney:

NO4. 14, 1989

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO:

J. Robert Haines Zoning Commissioner

DATE: November 3, 1989

Pat Keller, Deputy Director Office of Planning and Zoning

Robert H. Brooks, Item 28 Zoning Petition No. 90-168A

The Petitioner requests several variances needed in order to subdivide the property.

The Petitioner's site plan indicates two existing houses and six existing accessory structures. Property to the east of Lot 1 is owned by Emmett H. Brooks, Jr., who owns a contractors yard at that

Based upon the analysis conducted, staff recommends approval of the Petitioner's request subject to the following:

- No additional accessory structures shall be permitted on either property unless the structure replaces an existing
- No equipment used in the course of Mr. Brooks' business shall be stored on Lot 1 or in the accessory structures.
- No access other than a foot path or sidewalk shall be provided between Lot 1 and the contractor's yard.
- Upon reasonable notice, the petitioner shall permit a representative of the Zoning Office to make an inspection of the accessory structures on Lot 1 to ensure compliance
- The 6 ft. fence that follows N 35 08' 20"W shall be repositioned to reflect the property line.
- Compact planted landscaping shall be provided to screen Mr. Brooks' B.R. zoned parcel from Lot 1.
- The Petitioner should contact Avery Harden, County Landscape Planner, at 887-3335 regarding the above-mentioned recommendation.

1/4/81 mailed late Connats ;

Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500 Paul H. Reincke

AUGUST 11, 1989



J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

28

RE: Property Owner:

ROBERT H. BROOKS

Location:

Item No.:

8825 PIKESVILLE ROAD

Zoning Agenda: AUGUST 8, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Cast Joseph Kelly K-11-81
Planning Group Approved Apt WM Dreke Fire Prevention Burg Special Inspection Division

JK/KEK

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554



ZONING OFFICE

August 25, 1989



Towson, Maryland 21204 Dear Mr. Haines:

Mr. J. Robert Haines

Zoning Commissioner County Office Building

The Bureau of Traffic Engineering has no comments for items number 25, 27, 128, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, and 42.

Very truly yours,

Traffic Engineer Associate II

MSF/lvw